



Carver County Board of Commissioners
June 21, 2014 Emergency Meeting
County Board Room
Carver County Government Center
Human Services Building
Chaska, Minnesota

PAGE

- 8:00 a.m. 1. a) **CONVENE**
 b) **Pledge of allegiance**
 c) **Public comments** - *Anyone wishing to address the Board of Commissioners on an item not on the agenda may come forward at this time. Please limit your comments to five minutes.*
2. Agenda review and adoption
- 8:05 a.m. 3. **COMMUNITIES: Create and maintain safe, healthy and livable communities**
- 3.1 Resolution to approve Declaration of State of Emergency for Carver County due to flooding of Minnesota River and South Fork of the Crow River1-2
- 3.2 Emergency Water Surface Use Restriction3-6
- 8:45 a.m. **ADJOURN EMERGENCY MEETING**

David Hemze
County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Resolution to approve Declaration of State of Emergency for Carver County due to flooding of Minnesota River and South Fork of the Crow River

Primary Originating Division/Dept: <input style="width: 90%;" type="text" value="Sheriff"/>	Meeting Date: <input style="width: 80%;" type="text" value="6/21/2014"/> Item Type: <input style="width: 80%;" type="text" value="Regular Session"/>
Contact: <input style="width: 25%;" type="text" value="Deb Paige"/> Title: <input style="width: 55%;" type="text" value="Emergency Management Co..."/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Amount of Time Requested: <input style="width: 30%;" type="text" value="20"/> minutes Presenter: <input style="width: 25%;" type="text" value="Deb Paige"/> Title: <input style="width: 55%;" type="text" value="Emergency Management Com..."/>	

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

The attached Resolution is an Emergency Declaration for Carver County due to flooding of the Minnesota River and the South Fork Crow River and the ongoing rainfall impacting the population of Carver County and its cities and townships. This declaration lasts thirty days unless extended or rescinded by the Board.

ACTION REQUESTED:

Adopt the Resolution declaring Carver County in a State of Emergency.

FISCAL IMPACT: <input style="width: 80%;" type="text" value="Other"/> <i>An Emergency Declaration may make the County eligible for reimbursement if "Other", specify: <input style="width: 80%;" type="text" value="if Federal fundina becomes available."/></i>	FUNDING County Dollars = <input style="width: 80%;" type="text"/> <input style="width: 80%;" type="text"/> Total <input style="width: 80%;" type="text" value="\$0.00"/>
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FTE IMPACT:

QUOTES OR BIDS OBTAINED:

Related Financial/FTE Comments:

Office use only:

RBA 2014- 2637



BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: June 21, 2014 Resolution No.: _____

Motion by Commissioner: _____ Seconded by Commissioner _____

WHEREAS, the flooding of the Minnesota River and the South Fork of the Crow River and ongoing heavy rainfall impacted the population of Carver County and its cities and townships; and

WHEREAS, the flooding event has caused public property damage and may cause a significant amount of public property damage if preventive measures are not taken; and

WHEREAS, the Carver County Sheriff's Office and Division of Emergency Management requests the Carver County Board of Commissioners declare Carver County in a STATE OF EMERGENCY for the Flooding event of June of 2014; and

THEREFORE BE IT RESOLVED, that the Carver County Board of Commissioners declares Carver County in a State of Emergency for conditions resulting from the flooding event of June of 2014.

YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF MINNESOTA
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 21st day of June, 2014, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Emergency Water Surface Use Restriction

Primary Originating Division/Dept: <input type="text" value="Sheriff"/>	Meeting Date: <input type="text" value="6/21/2014"/>
Contact: <input type="text" value="Jason Kamerud"/> Title: <input type="text" value="Chief Deputy"/>	Item Type: <input type="text" value="Regular Session"/>
Amount of Time Requested: <input type="text" value="10"/> minutes Presenter: <input type="text" value="Jim Olson"/> Title: <input type="text" value="Sheriff"/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Historically high rainfall across Carver County has resulted in high lake water levels. The MN DNR has granted temporary flexibility to local units of government to enact slow no-wake zones on lakes within their jurisdictional boundaries. Lake Waconia (ID# 10005900), Lake Bavaria (ID #10001900), and Reitz Lake (ID#10005200) have lake water levels above the "Ordinary High Water" (OHW) level and property damage is expected or has already occurred.

Waconia OHW is 963.1 ft. The top of the gauge used to measure Lake Waconia water levels represents (approx.) the OHW. On 6/20/2014 the gauge was 6 ½ inches below the water surface, making the water level well above OHW. The City of Waconia has declared a state of emergency and city officials consent to Carver County's adoption of a temporary ordinance designating slow no-wake zones on Lake Waconia.

The City of Chaska has placed slow no-wake restrictions on Lake Bavaria as the lake is entirely within their zoning jurisdiction. Carver County Parks owns and manages a public access on the lake. The high water levels on Lake Bavaria warrant mirroring ordinances and signage at the Carver County public access. Lake Bavaria OHW is 972.7 ft. The water level is above OHW.

Reitz Lake water level is above the OHW of 937.8 ft. The last reading was on May 22, 2014, and the readings have since stopped as the gauge is under the water surface.

ACTION REQUESTED:

Approve an ordinance placing slow no-wake restrictions across the entire surface areas of Lake Waconia, Lake Bavaria, and Reitz Lake.

FISCAL IMPACT: <input type="text" value="None"/> If "Other", specify: <input type="text"/>	FUNDING County Dollars = <input type="text"/> <input type="text"/> Total <input type="text" value="\$0.00"/>
FTE IMPACT: <input type="text" value="None"/>	
QUOTES OR BIDS OBTAINED: <input type="text" value="N/A"/>	
Related Financial/FTE Comments: <input type="text"/>	

CARVER COUNTY, MINNESOTA

ORDINANCE 78-2014

**A TEMPORARY ORDINANCE
DECLARING EMERGENCY
HIGH WATER CONDITIONS AND IMPOSING
RESTRICTIONS ON THE USE OF
WATERCRAFT ON DESIGNATED LAKES**

THE CARVER COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS:

SECTION 1. TITLE.

This Ordinance shall be known, cited and referred to as the Carver County Temporary Emergency Slow-No Wake Ordinance.

SECTION 2. DEFINITIONS.

For purposes of this Ordinance, the terms as defined in Minnesota Statutes § 86B.005 shall apply.

SECTION 3. STATUTORY AUTHORIZATION AND PURPOSE.

- (A) This Ordinance is enacted under the general powers delegated to Counties by the State of Minnesota, and pursuant to Minn. Stat. §§ 375.51, 86B.201, 86B.205 and 459.20, and Minnesota Rules 6110.3000 – 6110.3800 as now in effect and as hereafter amended.
- (B) It is the intent and purpose of this Ordinance to:
 - (1) To promote the full use and enjoyment by all of the people, now and in the future, and to promote safety for all persons and property in connection with the use of waters of Carver County;
 - (2) To conserve the quality of the natural environment;
 - (3) To harmonize and integrate the varying uses of said waters; and
 - (4) To promote the general health, safety and welfare of the general public.

SECTION 4. DESIGNATED LAKES.

- (A) This Ordinance shall control and regulate the use of the waters of the following lakes located in Carver County:
 - (1) Lake Bavaria (State Inventory Number 10001900)
 - (a) Slow-No Wake Restriction area includes the entire water body of water of Lake Bavaria.

- (2) Reitz Lake (State Inventory Number 10005200)
 - (a) Slow-No Wake Restriction area includes the entire water body of water of Reitz Lake.
- (3) Lake Waconia (State Inventory Number 10005900)
 - (a) Slow-No Wake Restriction area includes the entire water body of water of Lake Waconia.

(B) While this Ordinance is in effect, including any extension herein, the Carver County Board of Commissioners hereby grants and delegates the County Administrator and/or the County Sheriff, or their designees, the authority to identify and designate additional lakes within the jurisdiction and control of Carver County to be subject to the regulations of this Ordinance.

- (1) Such designation shall be permitted if:
 - (a) the lake elevation reaches or exceeds the Ordinary High Water Mark, as established by the Minnesota Department of Natural Resources Lake Level Minnesota Monitoring Program Gauge; or
 - (b) the lake elevation reaches a level where damage to property is expected.
- (2) The lake designation as permitted by this section of the Ordinance shall specify whether the slow-no wake area is at 150, 300, or 600 feet from the shore or across the entire water body of the designated lake, with the goal of enacting the minimum restriction on watercraft use needed to protect and minimize harm.

SECTION 5. WATERCRAFT SPEED RESTRICTIONS.

During the period this Ordinance is in effect, including any extensions herein, it shall be unlawful for any person to operate a watercraft at greater than a slow-no wake speed, 24 hours per day, on any Designated Lake.

SECTION 6. REMOVAL OF SPEED RESTRICTIONS.

The Slow-No Wake Restrictions shall be promptly removed from any Designated Lake, pursuant to this Ordinance, once the water body has been 0.1 feet below the elevation that triggers the Slow-No Wake Restriction for three (3) consecutive days.

SECTION 7. ENFORCEMENT.

The primary responsibility for enforcement of this Ordinance shall rest with the Carver County Sheriff's Office. Other licensed peace officers, including conservation officers of the Minnesota Department of Natural Resources, are also authorized to enforce the provisions of this Ordinance.

SECTION 8. EXCEPTIONS.

All authorized Resource Management, Emergency and Enforcement Personnel, while acting in the performance of their assigned duties are exempt from the foregoing restrictions.

SECTION 9. NOTIFICATION.

It shall be the responsibility of Carver County to provide for adequate notification of the public, which shall include notification on its website and news releases. Carver County is also responsible for placement of a sign at

each Designated Lake public watercraft access, outlining essential elements of this Ordinance, as well as placement of necessary buoys and signs.

SECTION 10. PENALTIES.

Any person, firm, corporation, or other entity that violates, or assists in violating, any of the provisions of this Ordinance, shall be guilty of a misdemeanor.

SECTION 11. EFFECTIVE DATE.

This ordinance shall be effective upon passage by the Carver County Board of Commissioners and, unless extended, shall expire at 12:00 midnight on July 21, 2014.

Adopted by the Carver County Board of Commissioners on this 21st day of June, 2014.

COUNTY OF CARVER

Attest:

Gayle Degler, Chair
Carver County Board of Commissioners

Dave Hemze
County Administrator

Date: _____

Date: _____